

Attorney Docket No. 33329 US

REMARKS

The examiner has rejected claims 15-21 and 23 under Section 112 as being indefinite and has specifically pointed out that the examiner feels the use of the phrase "or" renders some of those claims improper and the use of the phrase "means" needs further definition. While applicant does not agree with the examiner with regard to either issue inasmuch as the term "or" can be used as long as it does not render the claims vague and indefinite and is not believed to do so in this case, the term "or" has been removed from these claims. With regard to use of the term "means" in claim 23, the examiner states that it must be further defined such as for example "means for attaching," but the claims already calls for "means for carrying out." However, in an attempt to more clearly satisfy the examiner, the term "mechanical" has been inserted before the phrase "means for carrying out" so there should be no indefiniteness in this claim. For the above-noted reasons, the rejection of the claims under Section 112 is felt to have been overcome.

Claims 1, 5, and 23 have been rejected under Section 102 as being anticipated by the patent to Hoffmann. The examiner has further questioned why applicant noted the Hoffmann patent was commonly owned with the present application and for clarification purposes, that statement was only made to let the examiner know that applicant is fully aware of the teachings in the Hoffmann et al. patent as well as the distinctions between the rail in the Hoffmann patent and the rail in the present invention. The examiner in his rejection of claims 1, 5, and 23 based on Hoffmann et al. states that the Hoffmann rail has a pair of wedge-shaped locking shoulders projecting inwardly from an inner surface of the rail and wherein one side is above a wall on the other side

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as the rail is illustrated. Of course, the illustration of the rail in Fig. 9 shows the entire rail tilted and obviously one wall would be above the other. It first of all should be noted the locking shoulders in the Hoffmann et al. patent are not wedge-shaped as in the present invention but are merely fingers of the same width as the remaining walls of the rail. In the present invention, the locking shoulders are in fact wedge-shaped as described and illustrated in the present application. Further, in the present invention when the rail is vertically oriented one side wall extends above the other and the other extends below the one which of course would not be true in Hoffmann et al. if in fact the rail were vertically oriented.

In addition to the above, claim 1 has now been amended to state that the rail has a pair of walls with inner surfaces and wherein the inner surfaces extend above and below the locking shoulders which project inwardly therefrom. This of course would not be true in the Hoffmann et al. device wherein the locking shoulders referenced by the examiner do not project inwardly from inner surfaces of the walls which project above and below the shoulders. In addition, the side walls have been defined as having one that extends above the other when the walls are substantially vertically oriented which also further distinguishes the present rail from the Hoffmann device and the other prior art cited by the examiner.

Accordingly, it is felt claim 1 is patentably distinct from the prior art prior to the amendments made herein but even more so with the present amendments and is therefore felt to be in allowable form.

Claims 2 and 3 being dependent either directly or indirectly on claim 1 are felt to be allowable for the same reasons. In addition, claim 2 is felt to be further allowable

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inasmuch as it has been amended to state that the other side of the bottom rail has been defined as extending below the first side of the bottom rail when the walls are substantially vertically oriented which of course is not true of the Hoffmann et al. rail.

With reference to claim 3, the cross web is defined as being tilted widthwise so as to intercept one of said walls at a higher elevation than the other of said walls. The examiner in the rejection of this claim states that the cross web of Cooper is tilted inasmuch as it is "curved." Claim 3, however, as mentioned, was previously amended to state that the cross web intercepts one of the walls at a higher elevation than the other of the walls which would not be true with Cooper and, accordingly, claim 3 is felt to be allowable for that reason in addition to its dependency on claims 1 and 2.

Claims 4-23 are all method claims directed to a method of attaching a fabric to a hollow rail for a fabric covering. In the rejection of each of these claims except claims 5 and 23 the examiner has stated the method is obvious in view of the teachings in Cooper, Hoffmann, and Urlacher. While the Cooper and Hoffmann references are in fact related to blinds for window coverings or the like, the Urlacher reference has been cited as disclosing a spline roller. Each of the method claims in the present application, with claims 4, 5, 11, 15, and 21 being independent, are directed to specific methods setting forth specific steps for attaching a fabric to a rail. Applicant does not see the steps identified in these claims as being shown or suggested in any of the prior art even though the examiner has stated the prior art renders the method of these claims obvious. It would be helpful if the examiner could specify where in the prior art references the specific steps set forth in the claims can be found as either disclosing, suggesting, or rendering obvious the steps defined in applicant's method claims. The

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examiner simply states the Cooper and Hoffmann references set forth a rail and "therefore" the method for attaching. Applicant sees no disclosure of a method for attaching in either the Cooper or Hoffmann et al. references and, accordingly, it is felt the examiner should either identify specifically how these references show, suggest, or render obvious the specific steps in applicant's methods or allow the claims as being patentably distinct from the prior art.

With regard to claims 5 and 23, it should be pointed out these are method claims even though it would appear the examiner has interpreted them as apparatus claims and particularly with regard to claim 5, it is not dependent upon claim 1 and, accordingly, the comments made by the examiner regarding method limitations within an apparatus claim are not felt to be pertinent.

For the aforementioned reasons, it is felt the application as previously amended was in allowable form but for reasons set forth herein and the amendments made to the claims herein, it is felt they are even more patentably distinct and should be indicated as such. Accordingly, since the claims in the application are felt to be patentably distinct from the prior art and there are no other objections or rejections of the application, it is felt it is in condition for allowance and such action is courteously requested.

Dated this 23 day of March 2005.

Respectfully submitted,


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